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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,733	05/01/2002	Jean-Jacques Braconnier	022701-978	6028

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EXAMINER

LOVERING, RICHARD D

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 07/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,733

Applicant(s)

BRACONNIER

Examiner

LOVERING

Group Art Unit

1712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on DEC 17, 2001 AND MAY 1, 2002
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 111; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-13 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-13 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Collin et al. EP 0498689 in view of Braconnier EP 0581622. The preparative process of Collin et al. (Example 1; page 4, lines 5-9; and patent claim 9) differs from claims 6-10 herein in not disclosing the last two steps, and the aqueous sol of Collin et al. differs from claims 1-5 herein not containing an acid other than phosphoric acid (e.g. nitric acid), but it would have been obvious to one skilled in the art at the time applicant's invention was made to use nitric acid in the starting reactant mixture of Collin et al. as suggested by Braconnier (column 5, lines 21-32, esp. line 31) and to redisperse the precipitate of Example 1 of Collin et al. in water, a procedure taught to be advantageous by Braconnier (column 5, line 57 - column 7, line 16), adding any rare earth salt and/or acid necessary to keep the phosphate:A ratio to about 1 as taught by Collin et al. (page 4, lines 22 and 23).

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3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collin et al. in view of Braconnier as applied to claims 1-10 above, and further in view of Khaladji et al. 4,942,697. While the foregoing combination of Collin et al. and Braconnier doesn't disclose the use of their sols in or as polishing suspensions, it would have been obvious to one skilled in the art at the time applicant's invention was made to use the sols of Collin et al., modified as above by Braconnier, in or as polishing suspensions in view of the disclosure of Khaladji et al. (Abstract; column 3, lines 18-32; and Example 6) that suspensions containing rare earth phosphates are effective for polishing.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collin et al. in view of Braconnier as applied to claims 1-10 above, and further in view of Shoji et al. XP-002129788. While the foregoing combination of Collin et al. and Braconnier doesn't disclose the use of their sols in or as anti-corrosion agent compositions, it would further have been obvious to one skilled in the art at the time applicant's invention was made to use the sols of Collin et al., modified as above by Braconnier, in or as a convenient vehicle for applying corrosion-inhibiting coatings of La and/or Ce phosphate to metal sheets as disclosed by Shoji et al.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collin et al. in view of Braconnier as applied to claims 1-10 above, and further in view of Yamamoto et al. 5,376,304. While the foregoing combination of Collin et al. and Braconnier doesn't disclose the use of their sols in or as UV-absorbent material compositions, it would have been obvious to one skilled in the art at the time applicant's invention was made to use the sols of Collin et al., modified as above by Braconnier, in or as a UV-absorbent material in view of the teachings of Yamamoto et al. (column 1, lines 4-16) that sols of rare earth oxide (e.g. ceric oxide) having a P/CeO₂ molar ratio of 1.0 develop an excellent ultraviolet absorptive effect. Although the sols of the main reference combination also contain lanthanum and terbium phosphates, there would be a reasonable expectation of such sols being successful as UV-absorbent material compositions.

6. The abstract of the disclosure is objected to because it is not in the form of a single paragraph. Correction is required. See MPEP § 608.01(b).

7. Applicant is requested to insert the following sentence on page 2 of the specification before the first paragraph thereof: --This application is a 371 of PCT/FR 00/01651 filed June 14, 2000.--.

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8. The remaining references listed on the attached Form PTO-892 are cumulative to the references applied herein, and/or further show the state of the art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lovering whose telephone number is (703) 308-0443. The examiner can normally be reached on Mon.-Fri. from 7:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson, can be reached on (703) 308-2340. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

R. Lovering:cdc
July 23, 2003

Richard D. Lovering
RICHARD D. LOVERING
PRIMARY EXAMINER
GROUP ~~1200~~ 1700